

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20-cv-00253-RJC**

BENJAMIN F. WILKES,)	
)	
Plaintiff,)	
)	
v.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	<u>Order</u>
)	
Defendant.)	
)	
)	

THIS MATTER comes before the Court on Plaintiff's Motion for Attorney's fee under 28 U.S.C. § 2412, the Equal Access to Justice Act (Doc. No. 22) and the Parties Stipulation for Payment of Attorney's Fees (Doc. No. 25), by consent of the parties, the Court orders as follows:

1. That the Social Security Administration shall pay \$7,041.00 in attorney fees to the Plaintiff in full settlement and satisfaction of any and all claims for attorney fees for legal services rendered under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).
2. With respect to Plaintiff's signed assignment of EAJA fees to her attorney, in accordance with *Astrue v. Ratliff*, 560 U.S. 586, 130 S.Ct. 2521 (2010), the Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the government will exercise its discretion and honor the assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion for Attorney's Fees, (Doc. No. 22), is **GRANTED in part.**

Signed: August 8, 2022

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

